

ASSEMBLY BILL

No. 373

Introduced by Assembly Member Baugh

February 11, 1999

An act to amend Section 1520.5 of, and to add Section 1517 to, the Health and Safety Code, relating to community care facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 373, as introduced, Baugh. Community care facilities: location.

Existing law, the California Community Care Facilities Act, provides for the licensure and regulation of community care facilities, including residential care facilities, by the State Department of Social Services.

Existing law prohibits the Director of Social Services from denying an application for a new residential care facility license if the director determines that the location is in a proximity to an existing residential care facility that would result in overconcentration. Existing law defines "overconcentration" to mean that if a new license is issued, there will be residential care facilities that are separated by a distance of 300 feet or less.

This bill would prohibit a community care facility from being located within 1,000 feet of another community care facility in residential areas. The bill would also change from 300 to 1,000 feet the distance between residential care facilities for purposes of the definition of "overconcentration."

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1517 is added to the Health and
2 Safety Code, to read:

3 1517. No community care facility shall be located
4 within 1,000 feet of another community care facility in
5 residential areas.

6 SEC. 2. Section 1520.5 of the Health and Safety Code
7 is amended to read:

8 1520.5. (a) The Legislature hereby declares it to be
9 the policy of the state to prevent overconcentrations of
10 residential care facilities which impair the integrity of
11 residential neighborhoods. Therefore, the director shall
12 deny an application for a new residential care facility
13 license if the director determines that the location is in a
14 proximity to an existing residential care facility that
15 would result in overconcentration.

16 (b) As used in this section, “overconcentration” means
17 that if a new license is issued, there will be residential care
18 facilities ~~which~~ *that* are separated by a distance of ~~300~~
19 *1,000* feet or less, as measured from any point upon the
20 outside walls of the structures housing those facilities.
21 Based on special local needs and conditions, the director
22 may approve a separation distance of less than ~~300~~ *1,000*
23 feet with the approval of the city or county in which the
24 proposed facility will be located.

25 (c) At least 45 days prior to approving any application
26 for a new residential care facility, the director, or county
27 licensing agency, shall notify, in writing, the city or
28 county planning authority in which the facility will be
29 located, of the proposed location of the facility.

30 (d) Any city or county may request denial of the
31 license applied for on the basis of overconcentration of
32 residential care facilities.

33 (e) Nothing in this section authorizes the director, on
34 the basis of overconcentration, to refuse to grant a license
35 upon a change of ownership of an existing residential care



1 facility where there is no change in the location of the
2 facility.

3 (f) Foster family homes and residential care facilities
4 for the elderly shall not be considered in determining
5 overconcentration of residential care facilities, and
6 license applications for those facilities shall not be denied
7 upon the basis of overconcentration.

8 (g) Any transitional shelter care facility as defined in
9 paragraph (11) of subdivision (a) of Section 1502 shall not
10 be considered in determining overconcentration of
11 residential care facilities, and license applications for
12 those facilities shall not be denied upon the basis of
13 overconcentration.

